IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO.6934 OF 2005
TO
CRI.APPLICATION NO. 6936 OF 2005

Vivek Talwar and Anr. ..Applicants

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.Mubin Solkar i/b Amit Jambhotkar
Advocate for Applicants
Mr.U.V.Nikam A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : OCTOBER 26, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai in C.C.Nos.1322/SS/2002, 1323/SS/2002 and 1324/SS/2004. In the said cases, process was issued against the applicants under

Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revisions before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revisions will be preferred within five weeks from today. I am informed that the next date before the trial Court is 11.11.2005. In view of this statement, the trial Court shall not proceed with the trial on 11.11.2005 and for a period of three weeks thereafter.

5. On the necessary revisions being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]